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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of  
HAROLD L. SWINDELL, III

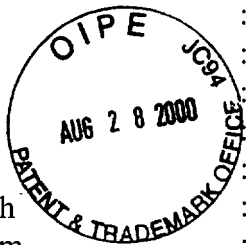
Serial No. 09/243,869

Filed: February 3, 1999

For: Roof or Access Hatch  
Safety Railing System

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:



Group Art Unit 3635

Examiner Christopher T. Kent

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DC 20231, on Aug 24, 2000

Norman E. Lehrer  
Norman E. Lehrer, Reg. No. 26,561

AMENDMENT

In response to the Office Action of May 24, 2000 (Paper No. 3), kindly amend the  
above-identified application, without prejudice, as follows:

In the Claims:

Cancel Claim 17 and rewrite Claim 1 as follows:

1. (Amended) The combination of a[n] roof access hatch and a safety railing for  
increasing a person's safety as the person climbs onto the horizontal support surface of a building  
[or any other platform] comprising:

a[n] roof access hatch having a base member, said base member being adapted to  
extend[ing] upwardly from said horizontal support surface [or said platform] and  
a safety railing including at least one pole extending upwardly from said base  
member of said roof access hatch.

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REMARKS

The Office Action of May 24, 2000 and the references cited therein have been carefully studied and, in view of the above changes and the following representations, reconsideration and allowance of this application are most respectfully requested.

Applicant first wishes to express his appreciation for the Examiner's indication of allowable subject matter in Claims 6-9, 12-15, and 17. Applicant believes that he has made a valuable contribution to the art and the Examiner's recognition of the same is appreciated.

The Examiner has rejected Claims 1-17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner states that the terminology "or any other platform" in Claim 1 renders the limits of the claim indefinite. Also in Claim 1, the Examiner states that the limitation "the base member extending upwardly from said support surface" results in the scope of the claim being inconsistent since the "support surface or platform" has not been positively recited as an element of the combination. The Examiner suggests the language "adapted to extend from said horizontal support surface" be substituted for the previous language.

Applicant appreciates the Examiner's comments and has included the language suggested by the Examiner in Claim 1. Also, the language referring to a platform has been deleted. Therefore, Applicant believes that the Examiner's rejection under 35 U.S.C. §112 has been overcome.

The present amendment is believed to put the application in condition for allowance. Specifically, Claim 1 has been rewritten to include the limitations of Claim 17 which had been indicated to be allowable and original Claim 17 has been canceled. Therefore, it is believed that Claims 1 is now allowable as are Claims 2-16 that depend directly or indirectly therefrom.

In view of all of the foregoing, Applicant submits that all of the claims presently in the application clearly and patentably distinguish over the references of record and should be allowed. It is believed that this application is in condition for allowance and an early action toward that end is most respectfully solicited.

Respectfully submitted,

HAROLD L. SWINDELL, III

By:

  
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Dated: August 24, 2000